

**SENATE BILL**

**No. 823**

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**Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Block, Corbett, Emmerson, Galgiani, Hernandez, Hill, Padilla, Wyland, and Yee)**

March 20, 2013

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An act to amend Sections 5092, 5093, ~~and 5094.3 of 5094.3, and 8030.5 of, and to add and repeal Sections 8030.4, 8030.6, and 8030.8 of, the Business and Professions Code, relating to—accountancy, profession and vocations, making an appropriation therefor, and~~ declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 823, as amended, Committee on Business, Professions and Economic Development. ~~Accountancy: licensure. Professions and vocations: licensure.~~

Existing law provides for the licensing and regulation of accountants by the California Board of Accountancy in the Department of Consumer Affairs. Existing law prohibits a person from engaging in the practice of public accountancy in this state unless he or she holds either a valid permit issued by the board or a practice privilege, as specified.

Existing law sets forth education, examination, and experience requirements for accountancy licensure. Existing law provides that certain licensure requirement provisions shall become inoperative on January 1, 2014, unless other particular licensure requirements are reduced, eliminated, amended, or repealed.

This bill would allow applicants who have satisfied the examination requirement on or before December 31, 2013, and who meet all remaining requirements for the issuance of a certified public accountant

license on or before December 31, 2015, to be issued a license, notwithstanding that particular licensure requirement provisions may become inoperative as of January 1, 2014.

Existing law sets forth the requirements for an applicant for admission to the examination for a certified public accountant, including the production of evidence that the applicant has completed a baccalaureate or higher degree. Existing law requires that an applicant shall provide documentation of the completion of particular ethics studies.

This bill would allow an applicant who has not been conferred a baccalaureate degree solely because he or she is enrolled in a program that confers master's and baccalaureate degrees concurrently, to be eligible for admission to the examination if the applicant's educational institution mails materials to the board showing the applicant has satisfied certain requirements.

This bill would also allow an applicant who successfully passed the accountant examination on or before December 31, 2013, to qualify for a license without satisfying other particular educational requirements, provided that the applicant completes other requirements for the issuance of a license on or before December 31, 2015.

This bill would also make technical, nonsubstantive changes to these provisions.

*Existing law provides for the licensure and regulation of court reporters by the Court Reporters Board of California within the Department of Consumer Affairs. Existing law authorizes this board to appoint an executive officer and committees as necessary. Existing law repeals these provisions on January 1, 2017, and specifies that the board is subject to review by the appropriate policy committees of the Legislature.*

*Existing law requires, until January 1, 2017, certain fees and revenues collected by the board to be deposited into the Transcript Reimbursement Fund, a continuously appropriated fund, to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases. Existing law requires the board, until January 1, 2017, to publicize the availability of the fund to prospective applicants. Existing law requires the unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2017, to be transferred to the Court Reporters' Fund. Provisions of law that authorized low-income persons appearing pro se to apply for funds from the Transcript Reimbursement Fund, subject to specified*

*requirements and limitations, and other related provisions, were repealed on January 1, 2013.*

*This bill would reenact those provisions that were repealed on January 1, 2013, thereby making an appropriation by requiring the board to disburse funds from the Transcript Reimbursement Fund for the costs, as specified, of preparing court and deposition proceeding transcripts, incurred as a contractual obligation between the shorthand reporter and the applicant, for litigation conducted in California. The bill would provide for the repeal of these provisions on January 1, 2017.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5092 of the Business and Professions
- 2 Code is amended to read:
- 3 5092. (a) To qualify for the certified public accountant license,
- 4 an applicant who is applying under this section shall meet the
- 5 education, examination, and experience requirements specified in
- 6 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
- 7 this article. The board may adopt regulations as necessary to
- 8 implement this section.
- 9 (b) An applicant for the certified public accountant license shall
- 10 present satisfactory evidence that the applicant has completed a
- 11 baccalaureate or higher degree conferred by a college or university,
- 12 meeting, at a minimum, the standards described in Section 5094,
- 13 the total educational program to include a minimum of 24 semester
- 14 units in accounting subjects and 24 semester units in business
- 15 related subjects. This evidence shall be provided prior to admission
- 16 to the examination for the certified public accountant license,
- 17 except that an applicant who applied, qualified, and sat for at least
- 18 two subjects of the examination for the certified public accountant
- 19 license before May 15, 2002, may provide this evidence at the
- 20 time of application for licensure.
- 21 (c) An applicant for the certified public accountant license shall
- 22 pass an examination prescribed by the board pursuant to this article.
- 23 (d) The applicant shall show, to the satisfaction of the board,
- 24 that the applicant has had two years of qualifying experience. This

1 experience may include providing any type of service or advice  
2 involving the use of accounting, attest, compilation, management  
3 advisory, financial advisory, tax, or consulting skills. To be  
4 qualifying under this section, experience shall have been performed  
5 in accordance with applicable professional standards. Experience  
6 in public accounting shall be completed under the supervision or  
7 in the employ of a person licensed or otherwise having comparable  
8 authority under the laws of any state or country to engage in the  
9 practice of public accountancy. Experience in private or  
10 governmental accounting or auditing shall be completed under the  
11 supervision of an individual licensed by a state to engage in the  
12 practice of public accountancy.

13 (e) (1) This section shall become inoperative on January 1,  
14 2014, but shall become or remain operative if the educational  
15 requirements in ethics study and accounting study established by  
16 subdivision (b) of ~~Section~~ *Sections* 5094, ~~Section~~ 5094.3, and  
17 ~~Section~~ 5094.6 are reduced or eliminated.

18 (2) Notwithstanding paragraph (1), this section shall remain  
19 operative and continue to apply to an applicant who has  
20 successfully passed the examination requirement specified under  
21 Section 5082 on or before December 31, 2013, and who meets all  
22 remaining requirements for the issuance of a certified public  
23 accountant license on or before December 31, 2015.

24 SEC. 2. Section 5093 of the Business and Professions Code is  
25 amended to read:

26 5093. (a) To qualify for the certified public accountant license,  
27 an applicant who is applying under this section shall meet the  
28 education, examination, and experience requirements specified in  
29 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to  
30 this article. The board may adopt regulations as necessary to  
31 implement this section.

32 (b) (1) An applicant for admission to the certified public  
33 accountant examination under the provisions of this section shall  
34 present satisfactory evidence that the applicant has completed a  
35 baccalaureate or higher degree conferred by a degree-granting  
36 university, college, or other institution of learning accredited by  
37 a regional or national accrediting agency included in a list of these  
38 agencies published by the United States Secretary of Education  
39 under the requirements of the Higher Education Act of 1965 as  
40 amended (20 U.S.C. Sec. 1001 et seq.), or meeting, at a minimum,

1 the standards described in subdivision (c) of Section 5094. The  
2 total educational program shall include a minimum of 24 semester  
3 units in accounting subjects and 24 semester units in  
4 business-related subjects. This evidence shall be provided at the  
5 time of application for admission to the examination, except that  
6 an applicant who applied, qualified, and sat for at least two subjects  
7 of the examination for the certified public accountant license before  
8 May 15, 2002, may provide this evidence at the time of application  
9 for licensure.

10 (A) An applicant enrolled in a program at an institution as  
11 described in this paragraph that grants concurrent conferral of a  
12 master's and a baccalaureate degree may satisfy the requirements  
13 of this subdivision if the applicant's institution mails the applicant's  
14 official transcript or its equivalent together or separately with a  
15 letter signed by the institution's registrar, or its equivalent, directly  
16 to the board pursuant to subdivision (c) of Section 5094. The letter  
17 shall include all of the following:

18 (i) A statement that the applicant is enrolled and in good  
19 standing in a program that will result in the concurrent conferral  
20 of a master's and a baccalaureate degree.

21 (ii) A statement that the applicant has completed all  
22 requirements, including general education and elective  
23 requirements, for a baccalaureate degree and the only reason the  
24 college or university has yet to confer the degree is because the  
25 applicant is enrolled in a program that confers a master's and a  
26 baccalaureate degree concurrently.

27 (iii) The date on which the applicant met all of the college's or  
28 university's requirements for conferral of a baccalaureate degree.

29 (B) The total educational program for an applicant described in  
30 subparagraph (A) shall include a minimum of 24 semester units  
31 in accounting subjects and 24 semester units in business-related  
32 subjects. This evidence shall be provided at the time of application  
33 for admission to the examination, except that an applicant who  
34 applied, qualified, and sat for at least two subjects of the  
35 examination for the certified public accountant license before May  
36 15, 2002, may provide this evidence at the time of application for  
37 licensure.

38 (2) An applicant for issuance of the certified public accountant  
39 license under the provisions of this section shall present satisfactory  
40 evidence that the applicant has completed at least 150 semester

1 units of college education including a baccalaureate or higher  
2 degree conferred by a college or university, meeting, at a minimum,  
3 the standards described in Section 5094, the total educational  
4 program to include a minimum of 24 semester units in accounting  
5 subjects, 24 semester units in business-related subjects, and, after  
6 December 31, 2013, shall also include a minimum of 10 units of  
7 ethics study consistent with the requirements set forth in Section  
8 5094.3 and 20 units of accounting study consistent with the  
9 regulations promulgated under subdivision (c) of Section 5094.6.  
10 This evidence shall be presented at the time of application for the  
11 certified public accountant license. Nothing herein shall be deemed  
12 inconsistent with Section 5094 or 5094.6. Nothing herein shall be  
13 construed to be inconsistent with prevailing academic practice  
14 regarding the completion of units.

15 (c) An applicant for the certified public accountant license shall  
16 pass an examination prescribed by the board.

17 (d) The applicant shall show, to the satisfaction of the board,  
18 that the applicant has had one year of qualifying experience. This  
19 experience may include providing any type of service or advice  
20 involving the use of accounting, attest, compilation, management  
21 advisory, financial advisory, tax, or consulting skills. To be  
22 qualifying under this section, experience shall have been performed  
23 in accordance with applicable professional standards. Experience  
24 in public accounting shall be completed under the supervision or  
25 in the employ of a person licensed or otherwise having comparable  
26 authority under the laws of any state or country to engage in the  
27 practice of public accountancy. Experience in private or  
28 governmental accounting or auditing shall be completed under the  
29 supervision of an individual licensed by a state to engage in the  
30 practice of public accountancy.

31 (e) Applicants completing education at a college or university  
32 located outside of this state, meeting, at a minimum, the standards  
33 described in Section 5094, shall be deemed to meet the educational  
34 requirements of this section if the board determines that the  
35 education is substantially equivalent to the standards of education  
36 specified under this chapter.

37 (f) An applicant who has successfully passed the examination  
38 requirement specified under Section 5082 on or before December  
39 31, 2013, may qualify for the certified public accountant license  
40 without satisfying the 10 semester units of study set forth in Section

1 5094.3 or 20 semester units of accounting study consistent with  
2 the regulations promulgated under Section 5094.6, if the applicant  
3 completes all other requirements for the issuance of a license on  
4 or before December 31, 2015.

5 SEC. 3. Section 5094.3 of the Business and Professions Code  
6 is amended to read:

7 5094.3. (a) An applicant for licensure as a certified public  
8 accountant shall, to the satisfaction of the board, provide  
9 documentation of the completion of 10 semester units or 15 quarter  
10 units of ethics study, as set forth in paragraph (2) of subdivision  
11 (b) of Section 5093, in the manner prescribed in this section.

12 (b) (1) Between January 1, 2014, and December 31, 2016,  
13 inclusive, an applicant shall complete 10 semester units or 15  
14 quarter units in courses described in subdivisions (d), (e), and (f).

15 (2) Beginning January 1, 2017, an applicant shall complete 10  
16 semester units or 15 quarter units in courses described in  
17 subdivisions (c), (d), (e), and (f).

18 (c) A minimum of three semester units or four quarter units in  
19 courses at an upper division level or higher devoted to accounting  
20 ethics or accountants' professional responsibilities, unless the  
21 course was completed at a community college, in which case it  
22 need not be completed at the upper division level or higher.

23 (d) Between January 1, 2014, and December 31, 2016, inclusive,  
24 a maximum of 10 semester units or 15 quarter units, and on and  
25 after January 1, 2017, a maximum of 7 semester units or 11 quarter  
26 units, in courses containing the following terms in the course title:

27 (1) Business, government, and society.

28 (2) Business law.

29 (3) Corporate governance.

30 (4) Corporate social responsibility.

31 (5) Ethics.

32 (6) Fraud.

33 (7) Human resources management.

34 (8) Business leadership.

35 (9) Legal environment of business.

36 (10) Management of organizations.

37 (11) Morals.

38 (12) Organizational behavior.

39 (13) Professional responsibilities.

40 (14) Auditing.

(e) (1) A maximum of three semester units or four quarter units in courses taken in the following disciplines:

(A) Philosophy.

(B) Religion.

(C) Theology.

(2) To qualify under this subdivision, the course title shall contain one or more of the terms “introduction,” “introductory,” “general,” “fundamentals of,” “principles,” “foundation of,” or “survey of,” or have the name of the discipline as the sole name of the course title.

(f) A maximum of one semester unit of ethics study for completion of a course specific to financial statement audits.

(g) An applicant who has successfully passed the examination requirement specified under Section 5082 on or before December 31, 2013, is exempt from this section unless the applicant fails to obtain the qualifying experience as specified in Section 5092 or 5093 on or before December 31, 2015.

*SEC. 4. Section 8030.4 is added to the Business and Professions Code, to read:*

*8030.4. As used in this chapter:*

(a) “Applicant” means a qualified legal services project, qualified support center, other qualified project, or pro bono attorney applying to receive funds from the Transcript Reimbursement Fund established by this chapter. The term “applicant” shall not include a person appearing pro se to represent himself or herself at any stage of a case.

(b) “Case” means a single legal proceeding from its inception, through all levels of hearing, trial, and appeal, until its ultimate conclusion and disposition.

(c) “Certified shorthand reporter” means a shorthand reporter certified pursuant to Article 3 (commencing with Section 8020) performing shorthand reporting services pursuant to Section 8017.

(d) “Developmentally Disabled Assistance and Bill of Rights Act of 1975 (Public Law 94-103), as amended.

(e) “Fee-generating case” means any case or matter that, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in payment of a fee for legal services from an award to a client, from public funds, or from an opposing party. A reasonable expectation as to payment

1 of a legal fee exists wherever a client enters into a contingent fee  
2 agreement with his or her lawyer. If there is no contingent fee  
3 agreement, a case is not considered fee generating if adequate  
4 representation is deemed to be unavailable because of the  
5 occurrence of any of the following circumstances:

6 (1) If the applicant has determined that referral is not possible  
7 because of any of the following:

8 (A) The case has been rejected by the local lawyer referral  
9 service, or if there is no such service, by two private attorneys who  
10 have experience in the subject matter of the case.

11 (B) Neither the referral service nor any lawyer will consider  
12 the case without payment of a consultation fee.

13 (C) The case is of the type that private attorneys in the area  
14 ordinarily do not accept, or do not accept without prepayment of,  
15 a fee.

16 (D) Emergency circumstances compel immediate action before  
17 referral can be made, but the client is advised that, if appropriate  
18 and consistent with professional responsibility, referral will be  
19 attempted at a later time.

20 (2) If recovery of damages is not the principal object of the case  
21 and a request for damages is merely ancillary to an action for  
22 equitable or other nonpecuniary relief or inclusion of a  
23 counterclaim requesting damages is necessary for effective defense  
24 or because of applicable rules governing joinder of counterclaims.

25 (3) If a court appoints an applicant or an employee of an  
26 applicant pursuant to a statute or a court rule or practice of equal  
27 applicability to all attorneys in the jurisdiction.

28 (4) In any case involving the rights of a claimant under a  
29 public-supported benefit program for which entitlement to benefit  
30 is based on need.

31 (f) (1) "Indigent person" means any of the following:

32 (A) A person whose income is 125 percent or less of the current  
33 poverty threshold established by the United States Office of  
34 Management and Budget.

35 (B) A person who is eligible for supplemental security income.

36 (C) A person who is eligible for, or receiving, free services  
37 under the federal Older Americans Act or the Developmentally  
38 Disabled Assistance Act.

39 (D) A person whose income is 75 percent or less of the maximum  
40 level of income for lower income households as defined in Section

1 50079.5 of the Health and Safety Code, for purposes of a program  
2 that provides legal assistance by an attorney in private practice  
3 on a pro bono basis.

4 (E) A person who qualifies for a waiver of fees pursuant to  
5 Section 68632 of the Government Code.

6 (2) For the purposes of this subdivision, the income of a person  
7 who is disabled shall be determined after deducting the costs of  
8 medical and other disability-related special expenses.

9 (g) “Lawyer referral service” means a lawyer referral program  
10 authorized by the State Bar of California pursuant to the rules of  
11 professional conduct.

12 (h) “Legal Services Corporation” means the Legal Services  
13 Corporation established under the Legal Services Corporation  
14 Act of 1974 (Public Law 93-355), as amended.

15 (i) “Older Americans Act” means the Older Americans Act of  
16 1965 (Public Law 89-73), as amended.

17 (j) “Other qualified project” means a nonprofit organization  
18 formed for charitable or other public purposes, that does not  
19 receive funds from the Legal Services Corporation or pursuant to  
20 the federal Older Americans Act, and provides free legal services  
21 to indigent persons.

22 (k) “Pro bono attorney” means any attorney, law firm, or legal  
23 corporation, licensed to practice law in this state, that undertakes,  
24 without charge to the party, the representation of an indigent  
25 person, referred by a qualified legal services project, qualified  
26 support center, or other qualified project, in a case not considered  
27 to be fee generating, as defined in this chapter.

28 (l) “Qualified legal services project” means a nonprofit project,  
29 incorporated and operated exclusively in California, that provides  
30 as its primary purpose and function legal services without charge  
31 to indigent persons, has a board of directors or advisory board  
32 composed of both attorneys and consumers of legal services, and  
33 provides for community participation in legal services  
34 programming. A legal services project funded, either in whole or  
35 in part, by the Legal Services Corporation or with the federal  
36 Older Americans Act funds is presumed to be a qualified legal  
37 services project for the purposes of this chapter.

38 (m) “Qualified support center” means an incorporated nonprofit  
39 legal services center that has an office or offices in California that  
40 provide legal services or technical assistance without charge to

1 *qualified legal services projects and their clients on a multicounty*  
2 *basis in California. A support center funded, either in whole or in*  
3 *part, by the Legal Services Corporation or with the federal Older*  
4 *Americans Act funds is presumed to be a qualified legal services*  
5 *project for the purposes of this chapter.*

6 (n) *“Rules of professional conduct” means those rules adopted*  
7 *by the State Bar of California pursuant to Sections 6076 and 6077.*

8 (o) *“Supplemental security income recipient” means an*  
9 *individual receiving or eligible to receive payments under Title*  
10 *XVI of the Social Security Act (Public Law 92-603), as amended,*  
11 *or payment under Chapter 3 (commencing with Section 12000) of*  
12 *Part 3 of Division 9 of the Welfare and Institutions Code.*

13 (p) *This section shall remain in effect only until January 1, 2017,*  
14 *and as of that date is repealed, unless a later enacted statute, that*  
15 *is enacted before January 1, 2017, deletes or extends that date.*

16 SEC. 5. *Section 8030.5 of the Business and Professions Code*  
17 *is amended to read:*

18 8030.5. (a) ~~Notwithstanding subdivision (e)~~ (a) of Section  
19 8030.4, as used in this chapter the term “applicant” also means an  
20 indigent person, as defined in subdivision (f) of Section 8030.4,  
21 appearing pro se to represent himself or herself at any stage of the  
22 case and applying to receive funds from the Transcript  
23 Reimbursement Fund established by this chapter.

24 (b) Notwithstanding Section 8030.6, total disbursements to  
25 cover the cost of providing transcripts to all applicants pursuant  
26 to this section shall not exceed thirty thousand dollars (\$30,000)  
27 annually and shall not exceed one thousand five hundred dollars  
28 (\$1,500) per case.

29 (c) The board shall provide a report to the Senate and Assembly  
30 Committees on Judiciary by March 1, 2012, that includes a  
31 summary of the expenditures and claims relating to this article,  
32 including the initial fund balance as of January 1, 2011; all funds  
33 received, including the amount of, and reason for, any refunds  
34 pursuant to subdivision (e) of Section 8030.2; all claims received,  
35 including the type of case, court involved, service for which  
36 reimbursement was sought, amount paid, and amount denied, if  
37 any, and the reason for denial; and all administrative fees. This  
38 report shall be provided using existing resources.

39 (d) The Legislature finds and declares that there are funds  
40 available for indigent pro se parties under this article only because

1 the Transcript Reimbursement Fund has not been fully utilized in  
2 recent years by the eligible applicants for whom its use has been  
3 intended, despite the evident financial need among legal services  
4 organizations and pro bono attorneys. Accordingly, the board shall,  
5 using existing resources, undertake further efforts to publicize the  
6 availability of the Transcript Reimbursement Fund to prospective  
7 applicants, as defined in subdivision ~~(e)~~ (a) of Section 8030.4,  
8 through appropriate entities serving these applicants, including the  
9 State Bar of California, the California Commission on Access to  
10 Justice, and the Legal Aid Association of California. These efforts  
11 shall be described in the report required by subdivision (c).

12 (e) This section shall remain in effect only until January 1, 2017,  
13 and as of that date is repealed, unless a later enacted statute that  
14 is enacted before January 1, 2017, deletes or extends that date.

15 *SEC. 6. Section 8030.6 is added to the Business and Professions*  
16 *Code, to read:*

17 *8030.6. The board shall disburse funds from the Transcript*  
18 *Reimbursement Fund for the costs, exclusive of per diem charges*  
19 *by official reporters, of preparing either an original transcript*  
20 *and one copy thereof, or where appropriate, a copy of the*  
21 *transcript, of court or deposition proceedings, or both, incurred*  
22 *as a contractual obligation between the shorthand reporter and*  
23 *the applicant, for litigation conducted in California. If there is no*  
24 *deposition transcript, the board may reimburse the applicant or*  
25 *the certified shorthand reporter designated in the application for*  
26 *per diem costs. The rate of per diem for depositions shall not*  
27 *exceed seventy-five dollars (\$75) for one-half day, or one hundred*  
28 *twenty-five dollars (\$125) for a full day. If a transcript is ordered*  
29 *within one year of the date of the deposition, but subsequent to the*  
30 *per diem having been reimbursed by the Transcript Reimbursement*  
31 *Fund, the amount of the per diem shall be deducted from the*  
32 *regular customary charges for a transcript. Reimbursement may*  
33 *be obtained through the following procedures:*

34 (a) *The applicant or certified shorthand reporter shall promptly*  
35 *submit to the board the certified shorthand reporter's invoice for*  
36 *transcripts together with the appropriate documentation as is*  
37 *required by this chapter.*

38 (b) *Except as provided in subdivision (c), the board shall*  
39 *promptly determine if the applicant or the certified shorthand*

1 *reporter is entitled to reimbursement under this chapter and shall*  
2 *make payment as follows:*

3 *(1) Regular customary charges for preparation of original*  
4 *deposition transcripts and one copy thereof, or a copy of the*  
5 *transcripts.*

6 *(2) Regular customary charges for expedited deposition*  
7 *transcripts up to a maximum of two thousand five hundred dollars*  
8 *(\$2,500) per case.*

9 *(3) Regular customary charges for the preparation of original*  
10 *transcripts and one copy thereof, or a copy of transcripts of court*  
11 *proceedings.*

12 *(4) Regular customary charges for expedited or daily charges*  
13 *for preparation of original transcripts and one copy thereof or a*  
14 *copy of transcripts of court proceedings.*

15 *(5) The charges shall not include notary or handling fees. The*  
16 *charges may include actual shipping costs and exhibits, except*  
17 *that the cost of exhibits may not exceed thirty-five cents (\$0.35)*  
18 *each or a total of thirty-five dollars (\$35) per transcript.*

19 *(c) The maximum amount reimbursable by the fund under*  
20 *subdivision (b) shall not exceed twenty thousand dollars (\$20,000)*  
21 *per case per year.*

22 *(d) If entitled, and funds are available, the board shall disburse*  
23 *the appropriate sum to the applicant or the certified shorthand*  
24 *reporter when the documentation described in Section 8030.8*  
25 *accompanies the application. A notice shall be sent to the recipient*  
26 *requiring the recipient to file a notice with the court in which the*  
27 *action is pending stating the sum of reimbursement paid pursuant*  
28 *to this section. The notice filed with the court shall also state that*  
29 *if the sum is subsequently included in any award of costs made in*  
30 *the action, that the sum is to be ordered refunded by the applicant*  
31 *to the Transcript Reimbursement Fund whenever the sum is*  
32 *actually recovered as costs. The court shall not consider whether*  
33 *payment has been made from the Transcript Reimbursement Fund*  
34 *in determining the appropriateness of any award of costs to the*  
35 *parties. The board shall also notify the applicant that the*  
36 *reimbursed sum has been paid to the certified shorthand reporter*  
37 *and shall notify the applicant of the duty to refund any of the sum*  
38 *actually recovered as costs in the action.*

1     (e) If not entitled, the board shall return a copy of the invoice  
2     to the applicant and the designated certified shorthand reporter  
3     together with a notice stating the grounds for denial.

4     (f) The board shall complete its actions under this section within  
5     30 days of receipt of the invoice and all required documentation,  
6     including a completed application.

7     (g) Applications for reimbursements from the fund shall be filed  
8     on a first-come-first-served basis.

9     (h) Applications for reimbursement that cannot be paid from  
10    the fund due to insufficiency of the fund for that fiscal year shall  
11    be held over until the next fiscal year to be paid out of the renewed  
12    fund. Applications held over shall be given a priority standing in  
13    the next fiscal year.

14    (i) This section shall remain in effect only until January 1, 2017,  
15    and as of that date is repealed, unless a later enacted statute, that  
16    is enacted before January 1, 2017, deletes or extends that date.

17    SEC. 7. Section 8030.8 is added to the Business and Professions  
18    Code, to read:

19    8030.8. (a) For purposes of this chapter, documentation  
20    accompanying an invoice is sufficient to establish entitlement for  
21    reimbursement from the Transcript Reimbursement Fund if it is  
22    filed with the executive officer on an application form prescribed  
23    by the board that is complete in all respects, and that establishes  
24    all of the following:

25    (1) The case name and number and that the litigant or litigants  
26    requesting the reimbursement are indigent persons. If the applicant  
27    is an indigent person applying pursuant to Section 8030.5, the  
28    application shall be accompanied by a copy of the fee waiver form  
29    approved by the court in the matter for which the applicant seeks  
30    reimbursement.

31    (2) The applicant is qualified under the provisions of this  
32    chapter.

33    (3) The case is not a fee-generating case, as defined in Section  
34    8030.4.

35    (4) The invoice or other documentation shall evidence that the  
36    certified shorthand reporter to be reimbursed was, at the time the  
37    services were rendered, a duly licensed certified shorthand  
38    reporter.

1     (5) *The invoice shall be accompanied by a statement, signed by*  
2 *the applicant, stating that the charges are for transcripts actually*  
3 *provided as indicated on the invoice.*

4     (6) *The applicant has acknowledged, in writing, that as a*  
5 *condition of entitlement for reimbursement that the applicant*  
6 *agrees to refund the entire amount disbursed from the Transcript*  
7 *Reimbursement Fund from any costs or attorney's fees awarded*  
8 *to the applicant by the court or provided for in any settlement*  
9 *agreement in the case.*

10    (7) *The certified shorthand reporter's invoice for transcripts*  
11 *shall include separate itemizations of charges claimed, as follows:*

12     (A) *Total charges and rates for customary services in*  
13 *preparation of an original transcript and one copy or a copy of*  
14 *the transcript of depositions.*

15     (B) *Total charges and rates for expedited deposition transcripts.*

16     (C) *Total charges and rates in connection with transcription of*  
17 *court proceedings.*

18     (b) *For an applicant claiming to be eligible pursuant to*  
19 *subdivision (j), (l), or (m) of Section 8030.4, a letter from the*  
20 *director of the project or center, certifying that the project or*  
21 *center meets the standards set forth in one of those subdivisions*  
22 *and that the litigant or litigants are indigent persons, is sufficient*  
23 *documentation to establish eligibility.*

24     (c) *For an applicant claiming to be eligible pursuant to*  
25 *subdivision (k) of Section 8030.4, a letter certifying that the*  
26 *applicant meets the requirements of that subdivision, that the case*  
27 *is not a fee-generating case, as defined in subdivision (e) of Section*  
28 *8030.4, and that the litigant or litigants are indigent persons,*  
29 *together with a letter from the director of a project or center*  
30 *defined in subdivision (j), (l), or (m) of Section 8030.4 certifying*  
31 *that the litigant or litigants had been referred by that project or*  
32 *center to the applicant, is sufficient documentation to establish*  
33 *eligibility.*

34     (d) *The applicant may receive reimbursement directly from the*  
35 *board if the applicant has previously paid the certified shorthand*  
36 *reporter for transcripts as provided in Section 8030.6. To receive*  
37 *payment directly, the applicant shall submit, in addition to all*  
38 *other required documentation, an itemized statement signed by*  
39 *the certified shorthand reporter performing the services that*

1 *describes payment for transcripts in accordance with the*  
2 *requirements of Section 8030.6.*

3 *(e) The board may prescribe appropriate forms to be used by*  
4 *applicants and certified shorthand reporters to facilitate these*  
5 *requirements.*

6 *(f) This chapter does not restrict the contractual obligation or*  
7 *payment for services, including, but not limited to, billing the*  
8 *applicant directly, during the pendency of the claim.*

9 *(g) This section shall remain in effect only until January 1, 2017,*  
10 *and as of that date is repealed, unless a later enacted statute, that*  
11 *is enacted before January 1, 2017, deletes or extends that date.*

12 ~~SEC. 4.~~

13 *SEC. 8.* This act is an urgency statute necessary for the  
14 immediate preservation of the public peace, health, or safety within  
15 the meaning of Article IV of the Constitution and shall go into  
16 immediate effect. The facts constituting the necessity are:

17 ~~In order that accountants be permitted to lawfully provide~~  
18 ~~services to their clients in California as soon as possible, it is~~

19 *To ensure that certain professions and vocations are adequately*  
20 *regulated in order to protect and safeguard consumers and the*  
21 *public in this state, it is necessary that this bill take effect*  
22 *immediately.*